

MINUTES
MALIBU CITY COUNCIL
QUARTERLY MEETING
OCTOBER 29, 2003
CITY HALL
6:00 P.M.

CALL TO ORDER

Mayor Kearsley called the meeting to order at 6:02 p.m.

ROLL CALL

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Mayor Ken Kearsley, Mayor Pro Tem Sharon Barovsky, and Councilmember Jeff Jennings

ALSO PRESENT: Katie Lichtig, City Manager; Julia James, Administrative Services Director; Mike Teruya, Planning Manager; Vic Peterson, Environmental and Community Development Director; Gail Sumpter, Permit Services Supervisor; Craig George, Environmental and Building Safety Manager / Deputy Building Official; Yugal Lall, Public Works Director; Claudio Sanchez, Acting Deputy City Engineer; Richard Calvin, Maintenance Manager; Paul Adams, Parks and Recreation Director; Barbara Cameron, Grant Consultant; Lieutenant Gloria Gressman, Sheriff's Liaison; Pete Lippman, City Treasurer; and Lisa Pope, City Clerk

ABSENT: Councilmembers Joan House and Andy Stern

FLAG SALUTE

City Treasurer Lippman led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Councilmember Jennings moved and Councilmember Barovsky seconded a motion to approve the agenda. The motion carried 3-0, Councilmembers House and Stern absent.

REPORT ON POSTING OF AGENDA

City Clerk Pope reported that the agenda for the meeting was properly posted on October 24, 2003.

PUBLIC COMMENTS

None.

COUNCIL COMMENTS

None.

1. NEW BUSINESS

A. First Quarter Financial Report

Administrative Services Director James presented the staff report.

MOTION Councilmember Jennings moved and Mayor Kearsley seconded a motion to adopt Resolution No. 03-57 establishing employment classifications, the number of authorized positions in each classification, the compensation for these classifications and amending Section 4 of Resolution No. 03-21; and to reclassify the Department Specialist in the Public Works Department to an Environmental Programs Analyst.

The motion carried 3-0, Councilmembers House and Stern absent.

B. First Quarter Fiscal Year 2003-2004 Work Program Status Reports

1. Administrative Services

Administrative Services Director James indicated she was available to respond to questions.

Mayor Pro Tem Barovsky and Mayor Kearsley commended Administrative Services Director James on the staff report.

Councilmember Jennings asked about CDBG funds for the wastewater system at Las Flores Park. Administrative Services Director James indicated the funds would be available. City Manager Lichtig provided an update on the status of opening Las Flores Park.

2. Environmental and Community Development Department

Item 2.A. to be heard concurrently with this item

Environmental and Community Development Director/Building Official Peterson provided an overview of the First Quarter FY 2003-2004 Work Program Status Report for the Environmental and Community Development Department.

Councilmember Jennings explained that the purpose of the Interim Policy on Code Enforcement was to allow staff the opportunity to re-work the Interim Zoning Ordinance. He agreed that it was time to review the interim policy and requested staff take the matter to the Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES).

CONSENSUS

By consensus, the Council directed staff to review the Interim policy on Code Enforcement.

Mayor Kearsley asked when the basement ordinance would come to the Council. Environmental and Community Development Director/Building Official Peterson indicated it was scheduled to come to the Council on December 8, 2003 with the staff recommendation to continue the item to January 26, 2003.

a. Gates On or Across Private Streets (Mayor Pro Tem Barovsky)

Staff recommendation: Review the attached document describing the issues associated with gates on or across private streets. Should Council decide to proceed with this item, staff recommends 1) Council provide direction for staff to either prepare a resolution initiating a Zoning Text Amendment defining a “gate” and prohibiting construction of gates on private streets, ingress/egress, trail, and access easements, or a resolution initiating a Zoning Text Amendment allowing some gates on private streets, ingress/egress, trail, and access easements and establishing a definition of a “gate”, limitations on gates, and a set of parameters for when they may be permitted, and 2) establish a priority level for this item and identify which items should be delayed or removed from the current list of Council Goals & Objectives to accommodate this new item.

Mayor Pro Tem Barovsky presented the report. She suggested an ordinance be prepared to prohibit gates on private streets. She asked how many streets in Malibu were private. City Manager Lichtig discussed Council priorities regarding zoning text amendments. She advocated that if the Council chose to add an ordinance prohibiting gates on private streets to the Council Goals that the Council add it at the bottom of the list or reorder and remove other priorities. Mayor Pro Tem Barovsky requested it be added at the bottom of the list of priorities.

MOTION Mayor Pro Tem Barovsky moved and Mayor Kearsley seconded a motion to add preparation of an ordinance prohibiting gates on private streets to the Council priority list.

Councilmember Jennings asked for information on the means of privatization and gated streets. He suggested establishing a policy as to when to allow gates and when to not.

The motion carried 3-0, Councilmembers House and Stern absent.

2. COUNCIL ITEMS

A. Landscape View Protection Ordinance (Mayor Pro Tem Barovsky)

This item to be heard concurrently with Item 1.B.2.

Requested Action: Consider whether or not to direct staff to develop a landscape view protection ordinance.

Mayor Pro Tem Barovsky presented the report. She requested an ordinance be fashioned and placed on a ballot for vote by the residents. City Manager Lichtig discussed the need to prioritize. She discussed a recent request by the Malibu Country Estates Homeowners Association for an overlay zone. She discussed previous Council discussion regarding a view protection ordinance. In response to Mayor Pro Tem Barovsky, City Manager Lichtig stated additional evaluation was necessary to determine the amount of staff time that would be required. Mayor Pro Tem Barovsky requested staff discuss with Malibu Country Estates their intentions. City Manager Lichtig clarified that the Council did not expect the matter to go to the voters in April 2004.

Councilmember Jennings explained the Council had previously allowed HOAs to take the lead in fashioning what they want and bringing it to staff. He stated he was in favor of a pilot project if the proponents would allow such. He suggested that Malibu Country Estates provide their request.

Environmental and Community Development Director/Building Official Peterson added that there had been increased complaints regarding view blockage. He stated it appeared that landscaping was maturing and blocking views. He stated a view protection ordinance could cause an impact on Code Enforcement.

Councilmember Jennings stated it was important to design a self-sustaining ordinance with costs born outside of the City's budget.

Mayor Kearsley discussed the Rancho Palos Verdes ordinance.

City Manager Lichtig stated staff would meet with Malibu Country Estates, assess their proposal and report back at the next Quarterly City Council meeting.

Environmental and Community Development Director/Building Official Peterson asked if the Council would be opposed to requesting that the HOA pay for a contract planner to assist in the process. The Council did not oppose.

Councilmember Jennings asked how the City's efforts regarding onsite wastewater inspection was coordinated with the Regional Water Quality Control Board (RWQCB) requirements. Environmental and Building Safety Manager/Deputy Building Official George explained the permitting process with RWQCB and the City's operating permit program. He discussed the desire to obtain information on all systems throughout the City. Environmental and Community Development Director/Building Official Peterson stated staff was working with RWQCB to develop an MOU to coordinate efforts.

Councilmember Jennings suggested anything possible be done to coordinate the City's and RWQCB requirements.

Councilmember Jennings asked the status of the Crummer EIR. Environmental and Community Development Director/Building Official Peterson stated staff was not spending time on the project until payment was received.

2. a. Public Works/Engineering Department

b. Capital Improvement Projects Status Report

Public Works Director/City Engineer Lall indicated he was available to respond to questions.

City Manager Lichtig discussed the status of the Storm Water Treatment Plant project. Public Works Director/City Engineer Lall explained that the project would be reviewed in house with electrical and mechanical review done by a consultant.

In response to Mayor Pro Tem Barovsky, Acting Deputy City Engineer Sanchez discussed the status of the Malibu Road Utility Undergrounding District.

2. Parks and Recreation

Parks and Recreation Director Adams provided an overview of the First Quarter Parks and Recreation Department Work Program Status Report.

In response to Mayor Kearsley, Parks and Recreation Director Adams stated a dog park was included in the Trancas Park Master Plan.

In response to Mayor Pro Tem Barovsky, Parks and Recreation Director Adams indicated the design would come before Council.

Mayor Pro Tem Barovsky requested being added to the Youth Commission agenda to discuss the Commission's participation in promoting the affinity credit card.

3. City Clerk

City Clerk Pope discussed the accomplishments of the department for the First Quarter and made herself available for questions.

Mayor Pro Tem Barovsky expressed enthusiasm that the City of Malibu was now a Passport Acceptance Agency.

4. City Attorney

No report was given. The Council had no comments.

5. City Manager

City Manager Lichtig summarized the First Quarter Work Program Status Report for the City Manager's Office.

Councilmember Jennings stated it was necessary to revisit the idea of road closures during fires. City Manager Lichtig stated she and Lt. Gressman had had a conversation about the issue and determined that a 3-party meeting with the Sheriff's Department, Fire Department and the City was necessary to discuss the matter. She suggested the Public Safety Commission weigh in on the issue as well.

Councilmember Jennings stated he was happy to allow staff to deal with it, but ultimately it would have to come back to the Council.

Mayor Pro Tem Barovsky requested staff review road closures caused by events at Trancas.

C. First Quarter Fiscal Year 2003-2004 Council Goals Status Report

No report was given. The Council had no comments.

ADJOURN At 7:02 p.m., Mayor Pro Tem Barovsky moved and Mayor Kearsley seconded a motion to adjourn. The motion carried 3-0, Councilmembers House and Stern absent.

Approved and adopted by the City Council of
the City of Malibu on November 24, 2003.

KENNETH KEARSLEY, Mayor

ATTEST:

LISA POPE, City Clerk
(seal)